IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 17852 of 2007(A)

PETITIONER:

VARGHESE KURIAN, S/O.P.K.VARGHESE,
AGED 77 YEARS, PALLIPEEDIKAYIL, KOZHENCHERRY,
PATHANAMTHITTA, NOW RESIDING AT NO.12,
GANGOTHRI, SARASWATHIPURAM, MYSORE-9.

BY ADV. SRI.SUNIL JACOB JOSE

RESPONDENTS:
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1. CIRCLE INSPECTOR OF POLICE, KOZHENCHERRY
PATHANAMTHITTA DIST.

2. SMT.SABANAM K.K., VINITHA BHAVAN,
KEEZHUKARA, KOZHENCHERRY.

3. SANTHAMMA RAVI, RESHMI BLHAVAN,
KEEZHUKARA, KOZHENCHERRY.

4. RAMANI VINOD, NIMISHA BHAVANAM,
KEEZHUKARA, KOZHENCHERRY.

5. SMT. OMANA THANKACHAN,
PALLIPADIKAVALAYIL, KEEZHUKARA, KOZHENCHERRY.

R1 BY GOVT.PLEADER SRI P.A.SALIM

R2 TO R5 BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMAN & K. HEMA, JJ.

W.P.(C) NO. 17852 OF 2007

DATED THIS, THE 15TH DAY OF JUNE, 2007.

J U D G M E N T

Raman, J.

Petitioner is stated to be the owner of 1 Acre and 40 cents of land in Sy. No. 347/6A of Kozhencherry Village. According to him, Respondents 2 to 5 claimed kudikidappu right by approaching the Land Tribunal, as per O.A. Nos. 414/2006, 415/2006, 416/2006 and 417/2006; but their claims were dismissed. It is stated that the land Tribunal, in the course of its proceedings, called for a report from the Special Revenue Inspector and the Village Officer, Kozhencherry and after conducting a detailed enquiry, it was found that the respondents were not permitted to reside in the property. According to the petitioner, he was staying at Mysore and during his visits to the place, he happened to see some sheds put up in the property. He understood that Respondents 2 to 5 are not residing in the said temporary sheds. It is alleged that on 1.6.2007 respondents 2 to 5 attempted to encroach in to the property which was resisted by the petitioner and his workers. Respondents threatened the petitioner and his workers with dire consequences, if they are not permitted to built up temporary sheds in the

property and allowed to stay there.

2. Respondents entered appearance through counsel. He has submitted that as against the order of the Land Tribunal, they have already preferred an appeal before the statutory appellate authority. He has also denied the allegation made in the writ petition regarding Respondents 2 to 5. They are kudikidappukars entitled to purchase of kudikidappu right as per the Kerala Land Reforms Act. The question as to whether they are entitled to purchase kudikidappu is not a matter to be decided in this writ proceedings and is left open to be decided by the appellate authority under the relevant statute. However, if the dispute between the parties slip into any threat to the life of the petitioner, the first respondent shall give adequate protection to his life and also for doing any agricultural operations in his property other than in the disputed kudikidappu.

The writ petition is disposed of as above.

P.R. RAMAN,
(JUDGE)

K. HEMA,
(JUDGE)

knc/-